

YAKIMA SHORELINE MASTER PROGRAM

This document provides draft regulations for the following sections of City of Yakima Shoreline Master Program (SMP) Update:

- Section 17.03.080 Development Standards
- Section 17.07.050 Dredging and Dredge Material Disposal
- Section 17.07.080 In-Water Structures

The base language is from the Yakima County Regional SMP (except for in-water structures), and then amended with strikeout/ underline to be more consistent with City conditions or SMP Guidelines.

The draft sections should be read in conjunction with the following documents distributed to the Planning Commission at prior meetings:

- Preliminary Shoreline Environment Designations & Use and Modification Matrix Framework (updated version distributed at 4/10 meeting)
- Excerpts From Ecology's Shoreline Master Program Submittal Checklist (distributed at 3/27 meeting)
- SMP Update Guidance – Consistency (distributed at 3/27 meeting)

17.03.080 Development Standards

Consultant Notes:

*Shoreline stabilization is in its own subsection (Section 17.07.150 Shoreline Stabilization) and is removed from development standards below.

*The Shoreline Management Act generally has a limit of 35 feet in height unless there is an overriding public interest – in this case we're proposing heights greater than 35 feet for essential public facilities or public facilities that tend to have particular design needs (e.g. wastewater treatment facilities, bridges, utilities).

*Last, SMP Guidelines indicate that development standards addressing density or lot dimensions are appropriate towards managing growth in shorelines. To avoid conflict with the underlying zoning density standards, we propose lot width and setbacks (based on zoning standards) as a way to get at level of intensity and shoreline views rather than units per acre which is calculated on a whole lot basis rather than split between shoreline jurisdiction and remainder of the lot.

~~A. New development within Shoreline jurisdiction shall be located and designed to:~~

- ~~1. avoid the need for future shore stabilization, to the extent feasible;~~
- ~~2. avoid or, if that is not possible, to minimize the need for new and maintenance dredging;~~
- ~~3. assure that subdivision lots created will not require shore stabilization in order for reasonable development to occur. The standards should be accomplished using geotechnical analysis of the site and shoreline characteristics, as provided in section 16D.06.19(11) (Additional Shoreline Standards for Shore Stabilization);~~

~~4. setback new development on steep slopes or bluffs sufficiently to ensure that shore stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, as provided in section 16D.06.19(11) (Additional Shoreline Standards for Shore Stabilization).~~

~~1. New development that would require shore stabilization which causes significant impacts to adjacent or down current properties and shoreline areas shall not be allowed.~~

~~B.A.~~ There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, ~~dams, concrete and asphalt batching plants,~~ water treatment towers, wastewater treatment facilities and bridges are not required to meet this standard, and specific height limitations for residential structures are as follows:

~~1. 25 feet above average grade level in the conservancy environment;~~

~~2. 20 feet above average grade level in the natural environment.~~

~~3. 25 feet above average grade level in the urban conservancy environment;~~

~~4. 20 feet above average grade level in the floodway/channel migration zone.~~

B. Minimum shoreline lot frontage shall be consistent with underlying zoning and be no less in width than the following by shoreline environment:

1. High Intensity, Essential Public Facilities, ~~Shoreline Residential~~: 35 feet

2. ~~Shoreline Residential~~: 50 feet

3. Urban Conservancy, Floodway/CMZ: 60 feet

C. Shoreline buffers: See YMC 17.09.030.

D. Minimum structures setback from side property lines in shoreline jurisdiction shall be consistent with the underlying zoning and no less than 5 feet.

17.05 GENERAL REGULATIONS

17.07.050 Dredging and Dredge Material Disposal

Consultant Note: Revisions to the County's SMP language below have been made to provide closer compliance with the SMP Guidelines, including several verbatim additions.

~~The following provisions shall apply to dredging and excavation within a designated hydrologically related critical area:~~

A. Siting and design. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

B. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts, and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.

~~C. Dredging in surface waters shall be allowed only where necessary because of existing navigation needs, habitat restoration or improvement, maintenance or construction of water dependent~~

uses. Dredging shall be permitted for the following activities when significant ecological impacts are minimized and when mitigation is provided:

1. Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
 2. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
 3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
 4. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
 5. Reduction of flood hazards.
- D. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- ~~C.E. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone is discouraged. In the limited instances where it is allowed, such disposal requires a Shoreline Conditional Use Permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.~~
- ~~D.F. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.~~
- E.G. Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.
- F.H. Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
- ~~G. Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.~~
- ~~H. Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.~~
- I. Dredge spoils are also considered fill, and shall not be deposited within the stream except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
- ~~J. Additional Shoreline Standards for Dredging and Excavation—The requirements below shall apply to all dredging and excavation activities within Shoreline jurisdiction.~~

- J. The City may approve five-year management plans addressing maintenance dredging, use of best management practices, and other measures to assure no net loss of shoreline ecological functions.
- K. All applications for ~~Substantial Development~~Shoreline Permits that include dredging shall supply a dredging plan that includes the following information:
 - a. The quantity of material to be removed.
 - b. The method of removal.
 - c. Location of spoil disposal sites and measures that will be taken to protect the environment around them.
 - d. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
- L. A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a ~~Substantial Development~~Shoreline ~~p~~Permit.

17.07.080 In-Water Structures [All New]

Consultant Note: The Yakima County SMP did not have a discrete In-Water Structures regulations section, although it did contain policies and use/modification matrix assignments. This section has been generated by Consultant to ensure WAC compliance.

- A. Prohibited projects. Projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions, or result in high flood stages and velocities are prohibited.
- B. Soil stabilization. Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with bioengineering approaches, including, but not limited to brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes. In order to ensure soil stabilization, revegetation must include native shrubs or trees and may not be limited to native grasses.
- C. Water quality. In-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City shall require conditions to achieve this objective.
- D. Prohibited structures. No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used as in-water structures.
- E. Natural features. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.
- F. Protect functions, processes and cultural resources. In-water structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-water structures shall give due consideration to the full range of public interests,

watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

- G. Design. In-water structures shall be designed by a qualified professional. In-water structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels. In-water structures shall not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator.
- H. Permits. Construction of in-water structures may not commence without having obtained all applicable Federal, State, and local permits and approvals.
- I. Public access. Design of in-water structures by public entities, including the City, other local governments, state agencies, and public utility districts, shall include access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, in-water structures should not decrease public access or use potential of shorelines.